

REMARKS

Claims 1-18 are pending in the application. It is gratefully acknowledged that Claim 8 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner objected to the drawings. The Examiner rejected Claims 14-18 under 35 U.S.C. §101 as directed to non-statutory subject matter. The Examiner rejected Claims 1-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner rejected Claims 1-7, 9-12 and 14-17 under 35 U.S.C. §102(e) as being anticipated by Ostberg et al. (U.S. Patent 6,504,830). The Examiner maintains his rejections of Claims 13 and 18 under 35 U.S.C. §103(a) as being unpatentable over Ostberg et al. in view of Nystrom et al. (U.S. Patent 6,526,091).

Please cancel Claim 8 without prejudice. Please amend Claims 1, 5, 9 and 14 as set forth herein. No new matter has been added.

Regarding the allowable subject matter of Claim 8, the Examiner states that inserting the same synchronization code into each slot of the frame to transmit the base station specific code in the transmission of the S-SCH is allowable subject matter.

Regarding the Examiner's objection to the drawings, the Examiner states that FIGs. 1 and 2 should be labeled "Prior Art". FIGs. 1 and 2 have been labeled as "Prior Art" and are submitted herewith. Based on at least the foregoing, withdrawal of the objection to the drawings is respectfully requested.

Regarding the Examiner's rejection of Claims 14-18 under §101 as directed to non-statutory subject matter, the Examiner states that the method steps do not include a tangible result, and only perform a calculation of a mathematical algorithm. Applicant respectfully disagrees. Claim 14 recites "detecting a transmitting base station by detecting the base station specific code received", which is a tangible result. Based on at least the foregoing, withdrawal of

the rejection of Claims 14-18 under §101 is respectfully requested.

Regarding the Examiner's rejection of Claims 1-18 under §112, first paragraph, as failing to comply with the written description requirement, the Examiner states that "without receiving a broadcast control channel (BCCH)" is not supported by the specification. Claims 1, 5, 9 and 14 have been amended to recite, "without searching a broadcast channel (BCH) for the base station specific code". Based on at least the foregoing, withdrawal of the rejection of Claims 1-18 under §112 is respectfully requested.

Regarding the Examiner's rejection of independent Claims 1, 5, 9 and 14 under §102(e) as being anticipated by Ostberg et al., the Examiner states that Ostberg et al. discloses each and every feature of the claims. Independent Claims 1, 5, 9 and 14 have been amended to include the allowable subject matter of Claim 8.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5, 9 and 14, is respectfully requested.

Independent Claims 1, 5, 9 and 14 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6, 7, 10-13 and 15-18, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6, 7, 10-13 and 15-18 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7 and 9-18, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
Tel: (516) 228-3565
Fax: (516) 228-8475

PJF/MJM/dr